

TOWNSHIP OF NEWTOWN
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 20076-

AN ORDINANCE OF THE TOWNSHIP OF NEWTOWN, DELAWARE COUNTY, PENNSYLVANIA AMENDING THE NEWTOWN TOWNSHIP CODE, CHAPTER 172 ENTITLED "ZONING", PURSUANT TO ARTICLE 6 OF THE MUNICIPALITIES PLANNING CODE SPECIFICALLY BY ADDING A NEW ARTICLE XIX.A CREATING A NEW TOWN CENTER OVERLAY DISTRICT (TCOD) TO ALLOW TOWN CENTER DEVELOPMENT; TO CREATE SPECIFIC STANDARDS AND REQUIREMENTS APPLICABLE TO SUCH DEVELOPMENT; AND TO CREATE AMENDMENTS TO THE ARTICLE XXII, SIGNS.

The Board of Supervisors of the Township of Newtown, Delaware County, Pennsylvania hereby ENACTS and ORDAINS the following amendments to the Code of Ordinances of the Township of Newtown, Delaware County, Pennsylvania:

1. Authority. This Ordinance is established pursuant to authority contained in Article 6 of the Municipalities Planning Code.
2. The Code of Ordinances of the Township of Newtown, Delaware County, Pennsylvania is hereby amended by amending Chapter 172 entitled "Zoning", by adding a new Article XIXA entitled "Town Center Overlay", as follows:

Article XIXA
Town Center Development Overlay District (TCOD)
Northwest Quadrant

§ 172-97.1 Intent

The intent of the Township in permitting development pursuant to this Article is as follows:

- A. To promote desirable development patterns for land located near the Newtown Square crossroads area in the Township and to create an attractive mixed use area.
- B. To provide for a reasonable use of large properties that may have been used for specialized purposes over the years, and where such single purpose uses are no longer feasible for the site.

- C. To implement recommendations of the Township Comprehensive Plan for a mix of retail, office, residential, institutional and open space areas while providing safeguards to the community in developing such land, so that the future uses are compatible with surrounding development.
- D. To encourage a more efficient use of land and public services.
- E. To encourage the conservation of historic buildings, settings and landscapes.
- F. To encourage innovations in residential and nonresidential development and renewal so that the demand for housing and other services may be met by greater variety in type, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space.
- G. To allow for the development of fully integrated, mixed-use pedestrian-oriented neighborhoods where living, shopping, employment and recreational opportunities are provided within walking distance of each other so as to promote pedestrian travel and reduce traffic congestion and dependence on the automobile.
- H. To provide greater opportunities for housing, various types of employment, shopping, recreation and the conservation of land for citizens of the Township.
- I. To provide for flexibility in lot sizes, setbacks, and other area and bulk requirements so that imaginative and innovative designs can be developed, but ensuring the protection of the public interest by providing for architectural guidelines as part of the approval process.

§ 172-97.2 Definitions.

As used in this section, the following words and phrases shall have the meaning indicated below:

APPLICANT – a landowner or developer, including his heirs, successors and assigns, who has filed an application for subdivision or land development.

FLOOR AREA RATIO – The gross floor area of the building or buildings on any parcel, divided by the total Tract Area of the parcel to which the computation relates.

LANDOWNER – the legal or beneficial owner or owners of land, including, for purposes of this Ordinance, the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in the land.

TOWN CENTER – A development characterized by a mix of uses including uses, such as, retail, restaurant, entertainment, office, residential, hotel, civic and open space uses.

The Town Center is also characterized by physical and functional integration of project components, linked through pedestrian walkways, and designed in conformance with a coherent overall plan.

TRACT – An area of land comprised of a single parcel or multiple parcels which are either in single ownership, or in the case of multiple ownership, subject to an agreement of all owners that development will be governed by and will be completed in accordance with a unified land development plan. A Tract may contain parcels that are separated by public or private street rights of way.

TRACT AREA – The total horizontal area of land contained within the property lines of all parcels of land within the subject area, excluding areas within existing public or private street rights of way.

§ 172-97.3. Applicability

In the Town Center Overlay District (TCOD), the regulations contained in this Article apply to properties meeting the Eligibility Criteria.

§ 172-97.4. Eligibility Criteria

The TCOD is defined and established to include and be an overlay upon ~~all~~ parcels situated within the mapped overlay district and meeting the following additional criteria:

~~A. The minimum tract size shall be 75 acres, and shall be at least partially located within a 1/2 mile radius of the Newtown Square Crossroads road network of Routes 3 and 252.~~

~~B. The Tract shall have direct access to and frontage of at least 500 feet on a Principal Arterial Road as classified in the 2001 Newtown Township Comprehensive Plan.~~

C.A. The Tract shall be serviced by centralized sanitary sewer and water systems.

D.B. The Tract shall be in single ownership, or in the case of multiple ownership, evidence shall be presented that the parties involved have agreed that the development will be completed in accordance with the approved land development plan.

§172-97.5. Use Regulations

A. Uses as of right:

1. Single-family dwelling

2. Two-family dwelling
3. Townhouses
4. Multifamily dwellings, including residences in mixed-use commercial/residential buildings
5. Retail store
6. Personal service shop, tailor, barber, beauty, shoe repair, spa, dressmaking shop, and other personal service shop or store
7. Bank and other similar institutions
8. Offices
9. Places of amusement, recreation or assembly, including movie theaters
10. Restaurant, café, including establishments dispensing or serving food for consumption on the premises outdoors. Drive-in food stands shall not be permitted.
11. Grocery or convenience store
12. Motel, hotel or inn
13. Educational institution
14. Conference center
15. Medical Office Building
16. Hospital
17. Public and private garages and parking lots
18. Civic uses such as a police station, municipal office, fire station, post office, EMS service, and transit facility
19. Playgrounds, parks, tot lots or open spaces
20. Indoor health club, squash, tennis or racquetball facilities, or other similar uses.
21. Nursery schools and day-care centers.

22. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses.

§172-97.6. Area Regulations

- A. Traditional lot area and yard setbacks shall generally not be required in order to promote flexibility of design, as buildings are typically located close to the main street with the parking (except for on-street parking) generally placed behind or along the side of the building. Building setbacks and buffers shall instead be provided from adjacent uses, streets and parking areas as follows:

1. All buildings shall be set back a minimum distance of thirty-five (35) feet from existing or proposed curb lines of Principal Arterials (Route 3) as defined and identified in the 2001 Newtown Township Comprehensive Plan. Such setback areas shall be devoted to walkways, street trees, green areas, or a combination thereof. Limited driveway and road access through such setbacks shall be permitted. No off-street parking shall be permitted within such setback areas.
2. All buildings shall be set back a minimum distance of twenty-five (25) feet from existing or proposed curb lines of Minor Arterials, Collectors and Local Streets. Such setback areas shall be devoted to walkways, street trees, green areas, or a combination thereof. Limited driveway and road access through such setbacks shall be permitted. No off-street parking shall be permitted within such setback areas.
3. All buildings shall be set back a minimum of fifty (50) feet from residential zoning district boundary lines.

— Any TCOD along Route 252 north of Winding Way or or Goshen Road shall have a minimum building setback of 250 feet from the current right of way of both Route 252 and Goshen Road.

4.

5. Not more than thirty percent (30%) of the Tract Area shall be occupied by buildings, and not more than sixty (60%) of the Tract Area shall be occupied by a combination of buildings and parking areas. The overall FAR for the TCOD shall not exceed .50 FAR.

7.6. TCOD shall provide thirty percent (30%) green area, as defined in Article XXV. In TCOD, green area calculations may include paving for site amenities such as plaza areas, pedestrian trails and walkways. Green areas shall be arranged to protect important environmental, historic or cultural resources of the tract and to provide for common use areas within the TCOD. Historic sites and their cultural landscapes shall also be included as part of the required green area. Such areas include, but are not limited to, areas determined eligible for listing on the National Register of Historic Places.

7. Recreational Land shall be provided in accordance with Article V of the SALDO.

B. Dimensional Standards for Residential and Mixed Use Parcels

1. Residential area and bulk regulations shall be as follows:

a. Single family detached residential dwelling units:

- i. Minimum Lot Area: 6,000 square feet
- ii. Minimum Lot Width at Building Line: 55 feet
- iii. Minimum Lot Width at Street Line: 45 feet
- iv. Minimum Depth of Front and Rear Yards: 15 feet.
- v. Side Yards: 5 feet minimum; 15' aggregate.
- vi. Building Height: No more than two and one-half stories or 35 feet.

b. Townhouse and Two-family dwelling units

- i. Minimum unit width: 30 feet
- ii. Setback to curb line: 10 foot minimum or 25 feet where there are garages in the front of the unit.
- iii. Building to Building Separation Distances: 15 feet side to side; 50 feet front to front and rear to rear
- iv. Building Height: No more than three and one-half stories or 45 feet.
- v. There shall be no more than five single-family townhouse dwellings in a row.
- vi. The maximum gross density for all townhouse or two-family dwelling units shall be 6 dwelling units per acre within the residential parcel.

c. Multi-family dwelling units

- i. Setback to Curb line: 15' minimum, 40' maximum.
- ii. Building to Building Separation Distances: 40 feet minimum.
- iii. Building Height: No more than four stories or 65 feet. However, when a building is located within 100 feet of a residential zoning district boundary line, any portion of the building within 100 feet of the residential lot line shall not exceed three stories or 40 feet.
- iv. The maximum gross density for all multi-family dwelling units shall be calculated as part of the overall Floor Area Ratio of the TCOD, and shall not exceed .50 FAR.

d. Mixed Uses in buildings devoted to a mix of residential and nonresidential uses

- i. Setback to curb line: 10' minimum
- ii. Building to Building Separation Distances: 20' minimum
- iii. Building Height: The maximum height of any mixed-use structure within the Town Center Development shall be limited to 65 feet.
- iv. The maximum gross density for all uses shall be calculated as part of the overall Floor Area Ratio of the TCOD, and shall not exceed .50 FAR.

i Dimensional Standards for all other uses

C. Nonresidential area and bulk regulations shall be as follows:

- ii Setback to curb line: 15' minimum
- iii Building to Building Separation Distances: 20 feet minimum.
- iv Building Height: The maximum height of any nonresidential building shall be limited to 75 feet.

D. Mix Requirements

1. Residential Uses. Of the total new gross floor area for the town center development, at least 10%, but no more than 30% shall be devoted to residential uses. Existing buildings and uses shall not be part of this calculation. Residential uses not located in the core of the town center development shall not be part of this mix requirement.
2. Retail Uses. Of the total new gross floor area for the town center development, no more than 75% shall be devoted to retail, restaurant, markets, or cinema uses.
3. Other Uses. The remaining new gross floor area for the town center development shall be devoted to office, hotel, civic or other uses not regulated above and permitted within the TCOD. However, no more than one hotel shall be provided in each TCOD, unless approved by Conditional Use in accordance with the provisions of §172-89.

§172-97.7. Design and Development Standards

- A. A complete and detailed set of design criteria shall be submitted with the preliminary land development application. Such criteria shall function as a coordinated and coherent set of drawings and narratives. Such design criteria shall include, but not be limited to architectural and landscaping standards, street and circulation systems, signage, and open space operation and maintenance. The design criteria shall apply to all use and development within the TCOD.
- B. The street system shall be designed so as to relate harmoniously with land uses and adjacent streets. Streets throughout the community shall be arranged as a generally interconnecting network and should terminate at other streets. The construction of all

public streets shall be in accordance with the construction specifications and regulations established in the Newtown Township Subdivision and Land Development Ordinance, except as provided otherwise herein.

- C. The applicant shall submit a Traffic Impact Report that details the impacts of the proposed development on the surrounding Township road system. This report shall include recommended improvements to roads and intersections in close proximity to the property. Prior to approval of the preliminary land development plans, the report shall be modified to indicate the improvements for which the applicant shall be totally or partially responsible.
- D. Driveways and private streets with two way traffic shall have a minimum cartway width of twenty-four (24) feet. Paved areas shall be increased to twenty-seven (27) feet if parallel parking is proposed on one side and to thirty-six (36) feet if parallel parking is proposed on both sides.
- E. Parking and Loading. Since Town Centers, by nature, encourage the joint use of parking spaces by more than one use, parking requirements are less than where the uses are not mixed. The following shall govern the parking and loading within a TCOD, and may be applied to other parcels directly adjacent to the Town Center, if adequate shared parking arrangements are made. The use of structured parking shall be considered a further justification to recognize the parking benefits of shared and thus reduced parking.
1. There shall be at least one (1) garage parking space and one (1) off-street parking space for each single-family dwelling, townhouse and two-family dwelling.
 2. For multi-family units within a Town Center, there shall be at least one garage parking space and .75 off-street parking spaces for each multi-family dwelling unit. In all other cases two (2) parking spaces per unit shall be provided.
 3. For hotels and motels, there shall be a minimum of one (1) parking space for each hotel or motel room.
 4. For retail stores, banks, restaurants, and other commercial buildings, there shall be four and one-half (4.5) parking spaces for every one thousand (1,000) square feet of gross floor area. For offices there shall be four (4) parking spaces for every one thousand (1,000) square feet of gross floor area.
 5. Off-street parking spaces shall measure a minimum of nine (9) feet by eighteen (18) feet.
 6. Where efficiencies may be derived by shared parking, and more open space created, the Board of Supervisors shall authorize a reduction in the number of required parking spaces where there will be a sharing of parking spaces by uses with different periods of peak parking demand, or where the applicant can provide

adequate justification for reduced parking. This analysis shall include the submission of calculations indicating that parking demands will be met during peak demands for parking. Such a reduction of the required parking of up to 20% may be made.

7. The stormwater management system shall be designed to handle the total required parking spaces, including any parking that is held in reserve.
8. On-Street parking is encouraged in nonresidential and residential areas as a means of slowing traffic and to provide protection to pedestrians. On-Street parking shall be permitted along private access drives and streets within the Town Center Development so long as it can be demonstrated that suitable travel lanes are available for the safe and efficient movement of traffic. On-street parking shall count as part of the overall parking requirement, except in residential areas, where it will be in addition to the required parking and serve as guest parking areas.
9. Off-street loading and unloading space with proper access from a street or alley shall be provided on any lot on which a building for trade or business is located. Loading and unloading spaces may be accessed from parking areas.
10. Required parking lot green area. Where parking areas, loading and unloading facilities and accompanying access from a street or driveway exceeds 3,000 square feet, a minimum of 10% percent of all paved areas shall be devoted to green areas, or 5% may be provided if the parking is located to the rear of the buildings and it can be demonstrated that views of the parking lot from the public right of way are shielded by a combination of landscaping and/or berming. In such a case, there shall not be a requirement for green areas between rows of parking spaces. Green area requirements shall not be applicable in structured parking or multi-level parking facilities.
11. A pedestrian pathway system shall be provided as an integral part of every Town Center Development. Such a system shall include a combination of sidewalks, pathways and trails to provide reasonable access to and from nonresidential parcels to central open spaces and residential areas within and adjacent to the Town Center Development. Pedestrian pathways will be coordinated with a Township system of pathways, where applicable. Residential sidewalks shall be located on at least one side of residential streets, shall be 4 feet in width; shall have a 4 foot green area between the sidewalk and curb; and shall be located in accordance with an overall pedestrian pathway system.
- ~~1~~ 12. Sidewalks and pedestrian paths shall be provided in a comprehensive manner to provide pedestrian circulation. All commercial, residential and open space/recreation areas shall be accessible via a pedestrian path system.
- ~~2~~ 13. The construction of sidewalks shall be in compliance with §148-34 of the Newtown Township Subdivision and Land Development Code. However, other

paving materials may be used if they are appropriate to the proposed functions of pedestrian circulation. For instance, modular masonry materials, such as brick, slate and concrete pavers, bowmanite, colored concrete, colored asphalt, broom-finished concrete or cast in paving materials such as exposed aggregate concrete slabs may be used on sidewalks, pedestrian walkways, , and crosswalks. Such paving may be particularly appropriate at entrances to buildings, pedestrian crosswalks, and open plazas.

14. Sidewalks through the retail area of the Town Center shall be wide enough to accommodate walking and outdoor dining where appropriate.

15. A system of interlinking trails connecting the town center retail areas to existing or proposed Township trails shall be provided for both transportation and recreation purposes. Trails shall be within a corridor of at least 10 feet in width through which passes or will pass a 6-8 foot trail as part of the overall trail system. Trails may be constructed of pervious or impervious materials as appropriate for their location. The trail may be designed to serve walkers, runners, or bicyclists. Trails shall not be used by motorized vehicles except as authorized by the township for maintenance, management or emergency purposes. Trails shall connect* to sidewalks, when appropriate to create an interconnected pedestrian system.

~~8~~-16. Landscaping shall comply with the requirements of Section 104-14 of the Natural Features and Landscaping ordinance. The landscape shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance. All ground level mechanical units, refuse, recycling and similar facilities must be screened from view using materials consistent with the building style, or landscaped when located at or near the ground.

~~9~~-17. Street Furniture shall include such items as benches, waste containers, planters, bicycle racks, water fountains and bollards. Such items shall be provided at appropriate locations throughout the Town Center. Street furniture must be compatible with the architecture of the surrounding buildings, and character of the area and other elements of the streetscape.

~~10~~-18. Bus shelters with benches shall be provided along Route 3 and Route 252 if there are SEPTA bus stops in existence, or planned as a result of the Town Center development.

~~11~~-19. Signage shall comply with the requirements of Article XXII of this Chapter.

~~12~~-20. Exterior Lighting shall comply with the requirements of Article XXIII of this Chapter and Section 148-45 of the Newtown Township Subdivision and Land Development Ordinance. However, lighting fixtures shall be architecturally compatible with the style, materials, colors, and details of the buildings. The mounting height of parking lot lighting shall not exceed 28 feet as measured to the top of the fixture from grade.

~~13-21.~~ Soil Erosion and Sediment Control shall comply with Chapter 138 of the Newtown Township Code.

~~14-22.~~ Development in Stages. An Applicant may construct a Town Center Development in stages.

§172-97.8 Administration

1. The application for preliminary land development approval shall include a sketch plan covering the entire Town Center Development, as well as preliminary land development plans for the stage seeking approval. The submission shall show the location and approximate time of construction for each stage. Town Center Developments shall follow the land development procedures set forth In Article IV of Chapter 148.
2. In the event the applicant seeks to modify any of the provisions of this Article, such modification shall require the approval of the Board of Supervisors. The Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units and nonresidential space within the Township, and the availability and capacity of public facilities to accommodate the proposed change.
3. Review and approval of land development applications for TCOD shall be governed by the standards set forth in this Article, even if in conflict with other provisions of the Newtown Township Codes. The provisions of this Article including the criteria for the underlying district in which the TCOD is located shall take precedence over those of other codes, ordinances, regulations and standards.
4. The provisions of this Ordinance shall be independent and severable. If any part of this Ordinance is for any reason found to be illegal or invalid, such illegality or invalidation shall not affect or impair any of the remaining parts of this Ordinance, which shall continue to be fully operative as if the illegal or invalid part had not been enacted.

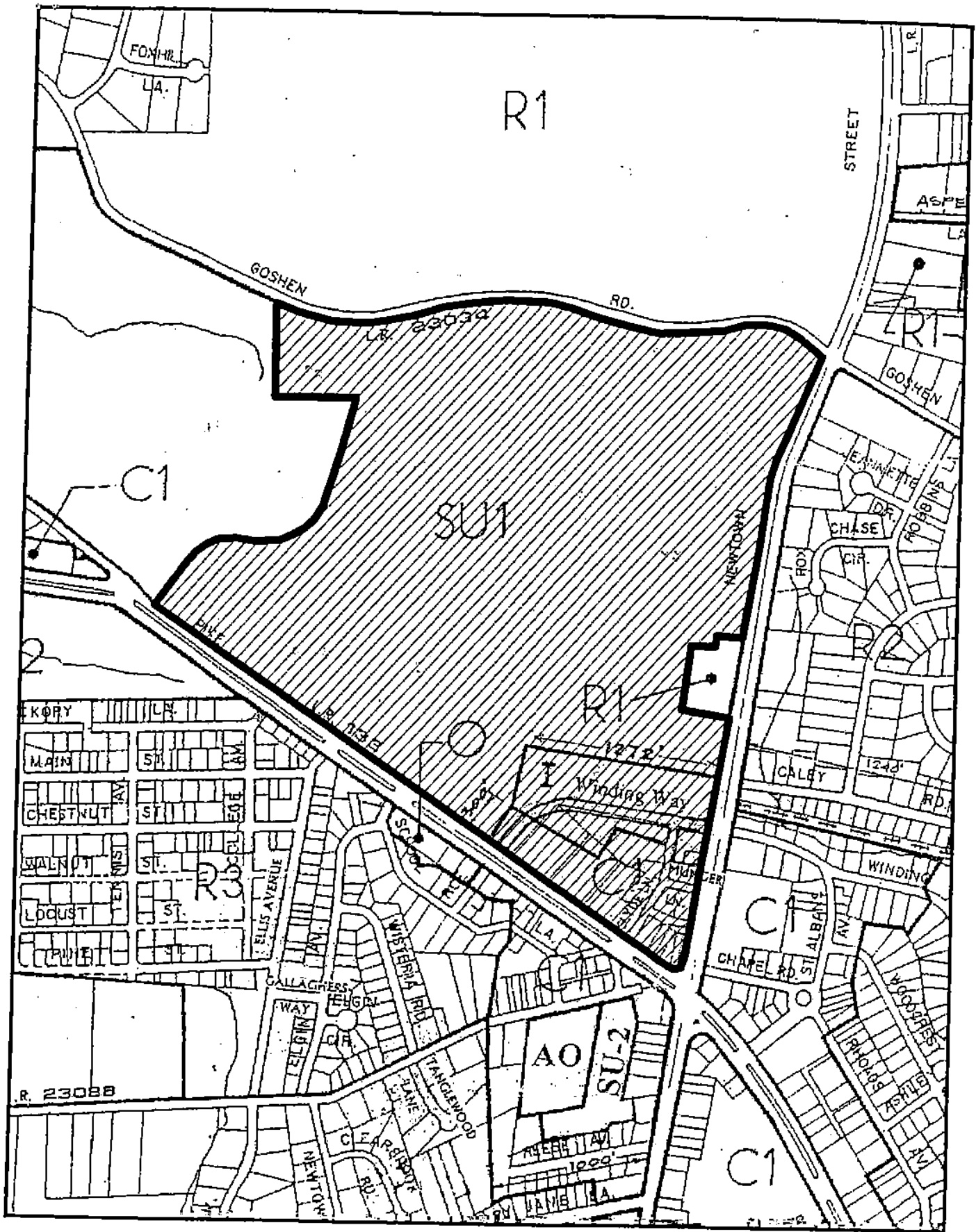
~~5.~~ This Ordinance shall be effective 5 days following its enactment.

ENACTED and ORDAINED this ____ day of _____, 2007~~6~~

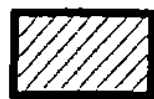
SIGNED: _____

1/23/07

ATTEST: _____



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Town Center Overlay District (TCOD)